

## CHAPTER 42

## INTOXICATING LIQUORS

S. F. 29

AN ACT making the seizure of intoxicating liquors, instruments and utensils kept and used in the manufacture of intoxicating liquors and materials used or intended for use in the manufacture of intoxicating liquors which may be seized under a search warrant, and all intoxicating liquors which may be seized while being transported or which are consigned and held for transportation or delivery, or which are seized from a bootlegger, and finally ordered forfeited by the court, shall be prima facie evidence of maintaining a nuisance, of bootlegging or illegal transportation, as the case may be, in any proceeding, criminal or civil, which may be instituted under title six (6), code of Iowa, 1924.

*Be it enacted by the General Assembly of the State of Iowa:*

1     **SECTION 1. Possession prima facie evidence.** That in all actions,  
2 prosecutions and proceedings, criminal or civil, under the provisions  
3 of title six (6) of the code of Iowa, 1924, the finding of intoxicating  
4 liquors or of instruments or utensils used in the manufacture of  
5 intoxicating liquors, or materials which are being used, or are intended  
6 to be used in the manufacture of intoxicating liquors, in the possession  
7 of or under the control of any person, under and by authority of a  
8 search warrant or other process of law, and which shall have been  
9 finally adjudicated and declared forfeited by the court, shall be prima  
10 facie evidence, in any action, criminal or civil, of maintaining a  
11 nuisance or bootlegging, or of illegal transportation of intoxicating  
12 liquors, as the case may be, by such person.

1     **SEC. 2. Defense.** The possessor of liquor may show in defense,  
2 that the liquor found in his possession was manufactured, transported  
3 and sold to him legally, as the possessor of a permit issued according  
4 to the laws of the United States and the state of Iowa, or wine re-  
5 ceived from a minister authorized by the church of which he is a  
6 member to administer wine as a religious observance or that the  
7 liquor found in his possession was purchased from a pharmacist  
8 authorized to fill prescriptions for medical purposes, or lawfully fur-  
9 nished to him by a physician, and that the said liquor was owned  
10 and kept by him for medical purposes only.

11     Nothing in this act shall prevent any peace officer, in the discharge  
12 of his duty, from having possession of, or from transporting in-  
13 toxicating liquor.

1     **SEC. 3. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its pub-  
3 lication in the Des Moines Daily Record and the Iowa Legionaire,  
4 newspapers published in Des Moines, Iowa.

Approved April 3, A. D. 1925.

I hereby certify that the foregoing act was published in the Humboldt Republican  
April 17, 1925, and in the Des Moines Daily Record April 10, 1925.

W. C. RAMSAY, *Secretary of State.*

[The above newspapers selected by the Secretary of State under the provisions of Section 55  
of the Code of 1924.]